

From: Dean Boland <dean@deanboland.com>
Subject: Re: Availability of witnesses at hearing of April 16, 2007
Date: April 13, 2007 2:29:47 PM EDT
To: William Adams <wadams@jaffelaw.com>
Cc: "Brandie Hawkins" <gsubum@yahoo.com>, "Richard Kerger" <rkerger@kergerkerger.com>, "Scott Torpey" <storpey@jaffelaw.com>, "Michael D. Dortch" <mdortch@kravitzllc.com>, "Dana Milmeister" <Dana@GaryJKaufmanLaw.com>



We are operating in good faith here to make this hearing as smooth as possible. We have asked on several occasions now over the past three days for an agreement on this issue. I do not consider your refusal to have these witnesses available by phone as operating in good faith.

On Apr 13, 2007, at 2:07 PM, William Adams wrote:

We will have witnesses with the necessary personal knowledge regarding the facts at issue available by telephone to rebut any evidence you present as we feel necessary to aid in opposing your motion. Appearances were entered on March 19; on March 21 you knew the date of the hearing and you did nothing to secure any witness' attendance until late Wednesday afternoon. Nobody is required to appear at or be available for the hearing without a subpoena, and nobody will.

From: Dean Boland [mailto:dean@deanboland.com]
Sent: Friday, April 13, 2007 12:59 PM
To: William Adams
Cc: Brandie Hawkins; Richard Kerger; Scott Torpey; Michael D. Dortch; Dana Milmeister
Subject: Re: Availability of witnesses at hearing of April 16, 2007

I am requesting that all individual defendants and an authorized representative of each corporate defendant be available by phone for the hearing. Merely having "persons with knowledge" is insufficient. Please advise if you will have *your clients*, if individuals, and an authorized representative of each corporate defendant available by phone.

On Apr 13, 2007, at 12:02 PM, William Adams wrote:

Your request:

Please advise if you are willing to agree to have your clients or a rep of each corporate client available by phone for the April 16, 2007 hearing. Please so advise by 12:00 noon tomorrow in the event we need to approach the court to resolve anything regarding that

matter at that time. Our client will be available by phone for the hearing.

The response on behalf of the above-copied defendants and myself is that we will have persons with knowledge available by telephone for Monday's hearing.

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